



Heart of North Midlands

AGENDA FOR THE
SPECIAL COUNCIL MEETING (EMEETING)
TO BE HELD ON
THURSDAY
2 APRIL 2020
COMMENCING AT 5.00 PM



WILDFLOWER COUNTRY

**SHIRE OF THREE SPRINGS
SPECIAL COUNCIL MEETING NOTICE PAPER
2 APRIL 2020**

President and Councillors,

A Special Council Meeting (eMeeting) is called for 5.00pm, 2 April 2020 for the purpose of COVID-19 Relief Package and Acting Chief Executive Officer.

**Keith Woodward
Chief Executive Officer**

31 March 2020

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Three Springs for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Three Springs disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Three Springs during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Three Springs. The Shire of Three Springs warns that anyone who has an application lodged with the Three Springs Shire Council must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Three Springs in respect of the application.

Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

- Ordinary Council Meeting held on _____
- Special Council Meeting held on _____
- Committee Meeting held on _____
- Other _____

Report No _____

Report Title _____

Name _____

- Elected Member
- Committee Member
- Employee
- Contractor

Type of Interest (**see overleaf for further information*)

- Proximity
- Financial
- Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

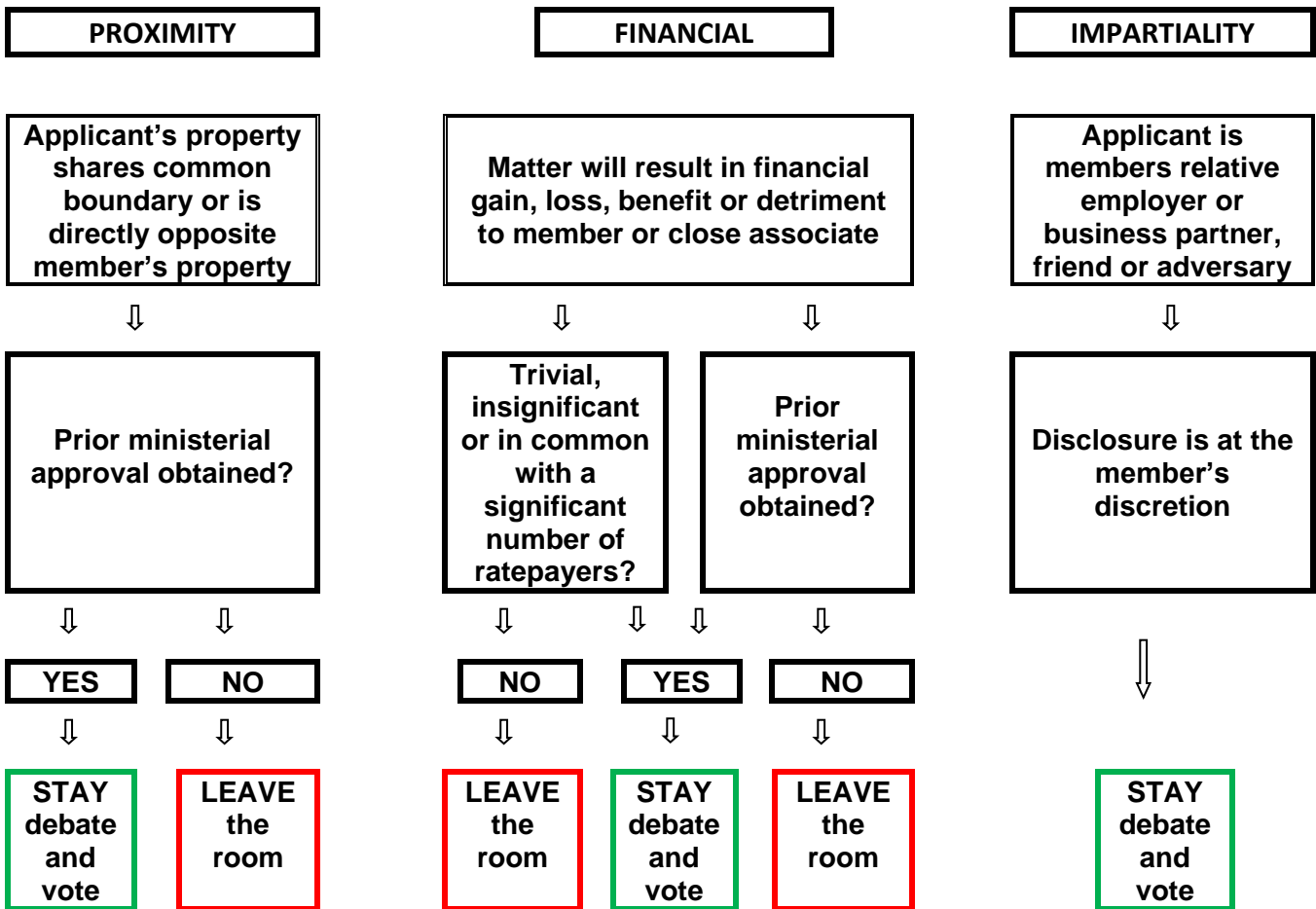
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

CEO : _____ Signed: _____ Date: _____

*** Declaring an Interest**



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
 - (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
 - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at:

Welcome to Country:-

The Shire of Three Springs acknowledges the traditional owners of this land – the Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

	Attendance	Apologies	Approved Leave of Absences
Councillor Lane			
Councillor Connaughton			
Councillor Heal			
Councillor Mutter			
Councillor Mills			
Councillor Ennor			
Councillor Eva			
Chief Executive Officer			
Deputy Chief Executive Officer			
Manager Works			
Minutes Clerk			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting are confirmed as true and accurate record of proceedings.

	Date	Moved	Seconded	Vote
6.1	18.03.2020	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Mills	
Cr. Ennor	
Cr. Eva	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

10. REPORTS OF OFFICER

Executive Services	
10.1. Report Title: COVID-19 Relief Package; Acting Chief Executive Officer	
Agenda Reference:	Chief Executive Officer
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0355
Disclosure of Interest:	Nil
Date:	31 March 2020
Author:	Chief Executive Officer
Attachment (s):	Nil

Council Role:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council Authorises:

1. The public notice of a proposal to Transfer \$210,000 from the Drainage Reserve Account to the Municipal Account/new COVID-19 Account.
2. In advance, under s6.8(i)(b) of the Local Government Act, unbudgeted expenditure for the provision of support to the local community.
3. The Chief Executive Officer to develop a budget for 2020/21 based on a zero rate rise and zero rise for non-regulatory fees. This excludes commercial and domestic waste services.
4. The waiving of all non-regulatory Shire fees and charges from 2 April 2020 until 30 June 2020.
5. Waiving of penalty interest charged on outstanding rates for the period from 2 April 2020 until 30 June 2020.
6. Flexible payment plans for those in vulnerable situations or experiencing financial hardship from 30 March 2020.
7. Refund 2019/2020 Shire property and insurance fees and charges to Sporting and Community Clubs.
8. The waiving of the 2020/21 Shire property and insurance fees and charges to Sporting and Community Clubs.
9. The Deputy Chief Executive Officer be appointed as the Chief Executive Officer should the Chief Executive Officer become unavailable due to COVID-19.
10. Shire staff to undertake non-typical activities to support the emergency services, critical services, the elderly and the Neighbour to Neighbour Project.

Background:

The Coronavirus COVID-19 pandemic is escalating and the affect will impact the community of Three Springs. The Shire recognises the serious impact this pandemic is having on the community. A Relief Package has been developed in response to COVID-19.

The Federal and State Governments continue to announce measures to support business and people and that banks are now offering relief packages for business and personal customers.

Officer's Comment:

The Shire has taken significant steps to remodel its services to avoid face to face contact where possible to protect both staff and the community in an effort to prevent the spread of infection from the COVID-19 virus.

In addition to this, the Shire recognises the need to provide additional support to the community, noting that it is expected that there will be a significant increase in the number of people affected by COVID-19, and this may continue for a significant period of time.

As the extent of the pandemic is increasing daily and the full impact is difficult to predict. Shire support will be determined on a case-by-case basis and authorised by the Chief Executive Officer in consultation with the Shire President.

Reserves, Rates, Fees and Charges:

1. Transfer \$210,000 from the Drainage Reserve to the Municipal Account/new COVID-19 Account. This will allow the Shire to respond quickly as urgent support is required.

Note:

- *The use of the COVID-19 Account will be managed by the CEO in consultation with the Shire President.*
 - *This initiative is not meant to replace National and State assistance programs.*
 - *The \$210,000 represents 10% of 2019/20 rate revenue.*
2. The Chief Executive Officer to develop a budget for 2020/21 based on a zero rate rise and zero rise for non-regulatory fees. This excludes commercial and domestic waste services.
 3. The waiving of all non-regulatory Shire fees and charges from 2 April 2020 until 30 June 2020.
 4. Waiving of penalty interest charged on outstanding rates for the period from 2 April 2020 until 30 June 2020.
 5. Flexible payment plans for those in vulnerable situations or experiencing financial hardship from 30 March 2020.
 6. Refund 2019/2020 Shire property and insurance fees and charges to Sporting and Community Clubs.
 7. The waiving of the 2020/21 Shire property and insurance fees and charges to Sporting and Community Clubs.

Community Care:

1. The Shire and the Community Action Group has implemented the Neighbour to Neighbour Project.

“We are looking for volunteers to help seniors and vulnerable people who are socially isolated in our local community. Whether it’s helping someone with their grocery shopping and dog walking or other errands - any little assistance you can offer will go a long way for someone in need.”

2. Shire staff are expected to undertake non-typical activities to support the emergency services, critical services, the elderly and the Neighbour to Neighbour Project.

Consultation:

Social Media - Daily posts informing the community on the COVID-19 situation. Information is also provided on support services such as counselling, fire bans, and 1800 Call a Doc.

Yakabout - Information on closure of events, premises, businesses, as well as health information, fire and travel bans.

Website - Changing Council News section into COVID-19 information section. This will contain links to relevant federal and state government departments, and will be broken down into sections. These will include: Businesses, Community, Financial Assistance, Travel Bans, Rent and Mortgage Assistance.

Neighbour to Neighbour Project - This is a joint project with CAG. Shire developed, printed and mailed the application form, and is collating the results. Updated data is then sent to CAG, who will link those needing assistance with volunteers.

Community Groups - Some groups have been contacted directly by the Shire, especially if they are using Shire premises, to ensure that they have suspended operations. This includes Thrift Shop, Indoor Bowls, Yoga, and Visitors Centre.

Events - The following events have been deferred: Seniors Introduction to Internet; Checkmate (Tomorrow's Man); Heritage Trail Walk; Astrotourism; Women's Workshops.

Councillors are contacting the elderly.

Statutory Environment:

Local Government Act 1995, Part 5, Division 4 s. 5.36

5.36. Local government employees

- (1) A local government is to employ —*
 - (a) a person to be the CEO of the local government; and*
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

- (2) A person is not to be employed in the position of CEO unless the council —*
 - (a) believes that the person is suitably qualified for the position; and*
 - (b) is satisfied* with the provisions of the proposed employment contract.*

** Absolute majority required.*

Local Government Act 1995, Part 6, Division 4 s. 6.6

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) *is authorised in advance by resolution*; or*
- (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

Local Government Act 1995, Part 6, Division 4 s. 6.11

6.11. Reserve accounts

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) *Subject to subsection (3), before a local government —*
 - (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose,**it must give one month’s local public notice of the proposed change of purpose or proposed use.*

** Absolute majority required.*

Policy Implications:

Nil

Financial/Resources Implications:

These initiatives are considered financially prudent and the impact will be revised at the end of the 2019/20 financial year.

Initiative	Cost
The proposal to Transfer \$210,000 from the Drainage Reserve to the Municipal Account/new COVID-19 Account.	\$210,000
The Chief Executive Officer to develop a budget for 2020/21 based on a zero rate and non-regulatory fees increase.	(\$96,000)
The waiving of all non-regulatory Shire fees and charges from 2 April 2020 until 30 June 2020.	(\$1,500)
The waiving of penalty interest charged on outstanding rates until 30 June 2020.	(\$2,500)
Refund 2019/2020 Shire property and insurance fees and charges to Sporting and Community Clubs.	(\$5,420)
The waiving of the 2020/21 Shire property and insurance fees and charges to Sporting and Community Clubs.	(\$5,500)
Total	(\$110,920)

Strategic Implications:

This item is relevant to the Council’s approved ‘Strategic Community Plan 2018-2028’

‘Strategic Community Plan 2018-2028’.	
Council Objectives:	Outcome:
A prosperous, thriving and innovative local economy.	Three Springs becomes a healthy and unified community with a bright future.
A healthy, cohesive and safe community	

This item is relevant to the Councils approved ‘Corporate Business Plan 2017 – 2021’.

‘Corporate Business Plan 2017 – 2021’.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:
Absolute Majority.

Officer’s Recommendation:

OFFICERS RECOMMENDATION:	10.2
That Council Authorises:	
<ol style="list-style-type: none"> 1. The public notice of a proposal to Transfer \$210,000 from the Drainage Reserve Account to the Municipal Account/new COVID-19 Account. 2. In advance, under s6.8(i)(b) of the Local Government Act, unbudgeted expenditure for the provision of support to the local community. 3. The Chief Executive Officer to develop a budget for 2020/21 based on a zero rate rise and zero rise for non-regulatory fees. This excludes commercial and domestic waste services. 4. The waiving of all non-regulatory Shire fees and charges from 2 April 2020 until 30 June 2020. 5. Waiving of penalty interest charged on outstanding rates for the period from 2 April 2020 until 30 June 2020. 6. Flexible payment plans for those in vulnerable situations or experiencing financial hardship from 30 March 2020. 7. Refund 2019/2020 Shire property and insurance fees and charges to Sporting and Community Clubs. 8. The waiving of the 2020/21 Shire property and insurance fees and charges to Sporting and Community Clubs. 9. The Deputy Chief Executive Officer be appointed as the Chief Executive Officer should the Chief Executive Officer become unavailable due to COVID-19. 	

10. Shire staff to undertake non-typical activities to support the emergency services, critical services, the elderly and the Neighbour to Neighbour Project.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

- 12.1. ELECTED MEMBERS
- 12.2. STAFF

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council eMeeting will be held on Wednesday 15 April 2020 at 4pm.

16. CONFIDENTIAL ITEMS

17. MEETING CLOSURE